

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SUZANNE FLANNERY, Derivatively on) Case No.: 1:21-cv-
Behalf of ZOOM VIDEO)
COMMUNICATIONS, INC.,)

Plaintiff,)

v.)

ERIC S. YUAN, KELLY STECKELBERG,)
DAN SCHEINMAN, CARL M.)
ESCHENBACH, JONATHAN)
CHADWICK, KIMBERLY L.)
HAMMONDS, BART SWANSON,)
SANTIAGO SUBOTOVSKY, and PETER)
GASSNER,)

Defendants,)

-and-)

ZOOM VIDEO COMMUNICATIONS,)
INC., a Delaware Corporation,)

Nominal Defendant.)

MOTION FOR LEAVE TO FILE COMPLAINT UNDER SEAL

Plaintiff Suzanne Flannery, by her attorneys, hereby requests leave to file her Complaint in this action under seal. In support of this motion, plaintiff states as follows:

1. This is a verified stockholder derivative action brought by plaintiff on behalf of nominal defendant Zoom Video Communications, Inc. ("Zoom" or the "Company") against certain officers and directors for breach of fiduciary duty and unjust enrichment.

2. Zoom provided to plaintiff certain documents which the Company claims contain nonpublic, confidential, proprietary, or commercially sensitive information. Plaintiff used certain information contained within these documents in her Complaint. Pursuant to the Confidentiality Agreement dated March 23, 2021, plaintiff is required to request permission of the Court to file her Complaint under seal.

3. Therefore, plaintiff requests the Court's permission to file her Complaint under seal. In *Littlejohn v. Bic Corp.*, 851 F.2d 673 (3d Cir. 1988), the Third Circuit held that the right of access to judicial proceedings and records "is not absolute." *Id.* at 678 (citing *Nixon v. Warner Comm., Inc.*, 435 U.S. 589, 598 (1978)). Rather, "[c]ourts may deny access to judicial records, for example, where they are sources of business information that might harm a litigant's competitive standing. *Littlejohn*, 851 F.2d at 678 (quoting *Nixon*, 435 U.S. at 598); *see also Leucadia, Inc. v. Applied Extrusion Tech, Inc.*, 998 F.2d 157, 166 (3d Cir. 1993) ("Documents containing trade secrets or other confidential business information may be protected from disclosure."). Based on Zoom's representations that its production contains confidential information, the Court should allow plaintiff to file the Complaint under seal.

WHEREFORE, plaintiff respectfully requests leave to file her Complaint in this action under seal. Plaintiff will then promptly provide Zoom with the Complaint to enable it to review it for any information that it believes is nonpublic, confidential, proprietary, or commercially sensitive. Zoom can then file a redacted, public version of the Complaint.

Dated: October 27, 2021

COOCH AND TAYLOR, P.A.

/s/ Blake A. Bennett

Blake A. Bennett (#5133)
The Nemours Building
1007 N. Orange Street, Suite 1120
Wilmington, DE 19801
Telephone: (302) 984-3800
Facsimile: (302) 984-3939
E-mail: bbennett@coochtaylor.com

OF COUNSEL:

ROBBINS LLP

Brian J. Robbins
Stephen J. Oddo
Kevin A. Seely
Trevor S. Locko
5040 Shoreham Place
San Diego, CA 92122

Attorneys for Plaintiff

Telephone: (619) 525-3990

Facsimile: (619) 525-3991

E-mail: brobbins@robbinsllp.com

soddo@robbinsllp.com

kseely@robbinsllp.com

tlocko@robbinsllp.com